

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

TRIPLE D GEAR LLC,

Plaintiff,

v.

Southern Methodist University

Defendant.

Case No. _____

COMPLAINT for:

**(1) TRADEMARK INFRINGEMENT
(15 U.S.C. § 1114)**

Jury Trial Demanded

COMPLAINT

Plaintiff TRIPLE D GEAR LLC by and for its Complaint against Defendant Southern Methodist University (“SMU”) alleges to the Court as follows:

PARTIES

1. TRIPLE D GEAR LLC (“TRIPLE D”) is a limited liability company organized and existing under the laws of the State of Texas, with a principal place of business at 4653 Nall Road, Suite D2, Farmers Branch, Texas 75244.

2. TRIPLE D is informed and believes that Defendant SMU is a non-member nonprofit corporation established pursuant to the Texas Business Organization Code, with its principal place of business at Perkins Administration Building, Suite 130, 6425 Boaz Lane, Dallas, Texas 75205.

JURISDICTION

3. This is an action at law and in equity for trademark infringement under the Lanham Act, 15 U.S.C. § 1114.

4. This Court has subject matter jurisdiction over the claims pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a) and (b).

5. This Court has personal jurisdiction over SMU at least because SMU has committed and is committing infringing acts in the State of Texas and in this Judicial District and SMU resides in this district.

VENUE

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b) and (c) because SMU resides in this Judicial District, is subject to personal jurisdiction in this Judicial District, and because a substantial part of the relevant events giving rise to TRIPLE D's Complaint has occurred in this Judicial District.

BACKGROUND

7. Triple D is well known in the hip hop community and other communities of color in Texas and the Southern United States.

8. The word phrase "Triple D" is short-hand for the laudatory phrase "Dirty Dirty Dallas" which is the hiphop term used to describe southern hiphop culture associated with Dallas. Triple D's customers have embraced the brand to show their appreciation for and affiliation with southern hiphop culture. Triple D began to produce apparel for others using its trademarks in 2007 and has continually marketed its high quality apparel using the trademarks through the present.

9. Triple D has three registered trademarks granted after examination by the U.S. Patent and Trademark Office including its (a) "Ghost Logo" consisting of three Ds inside each other for apparel for others; its (b) "Tilted Star Logo" consisting of three Ds inside each other with a tilted star in the middle of the Ds for apparel for others and (c) the word mark "Triple D" for apparel for others where Triple D is understood to refer to "Dirty Dirty Dallas."

10. As early as 2007 TRIPLE D began to actively promote and use in the marketplace its Triple D marks for clothing.

11. TRIPLE D's current list of products includes baseball caps, beanies, dad caps, trucker hats, jerseys, t-shirts, hoodies, tank-tops, sweatshirts, hooded sweatshirts, jackets, jewelry, socks, polo shirts, and long sleeved t-shirts.

THE MARKS-IN-SUIT

12. TRIPLE D has used and continues to use in commerce the stand-alone Triple D word mark along with the Ghost Logo and the Tilted Star Logo and various trademarks and service marks that incorporate the distinctive term (collectively "Triple D Marks").

13. Since at least as early as 2007, TRIPLE D has used and promoted its line of apparel for others under the Triple D marks.

14. TRIPLE D has memorialized some of its exclusive, proprietary rights in the Triple D Marks by securing the following trademark registrations before the U.S. Patent and Trademark Office:

Mark	Reg. No.	Filing Date	Date of First Use	Goods/Services
Triple D Tilted Star	4586688	8 February 2012	2007	Intl Code 25, US Code 022 and 039 apparel
Triple D Ghost Logo	6141994	27 March 2020	2007	Intl Code 25, US Code 022 and 039 apparel
Triple D word mark	7177134	15 June 2020	12/31/2011	Intl Code 25, US Code 022 and 039 apparel

15. Registration No. 4,586,688 has achieved *incontestable* status.

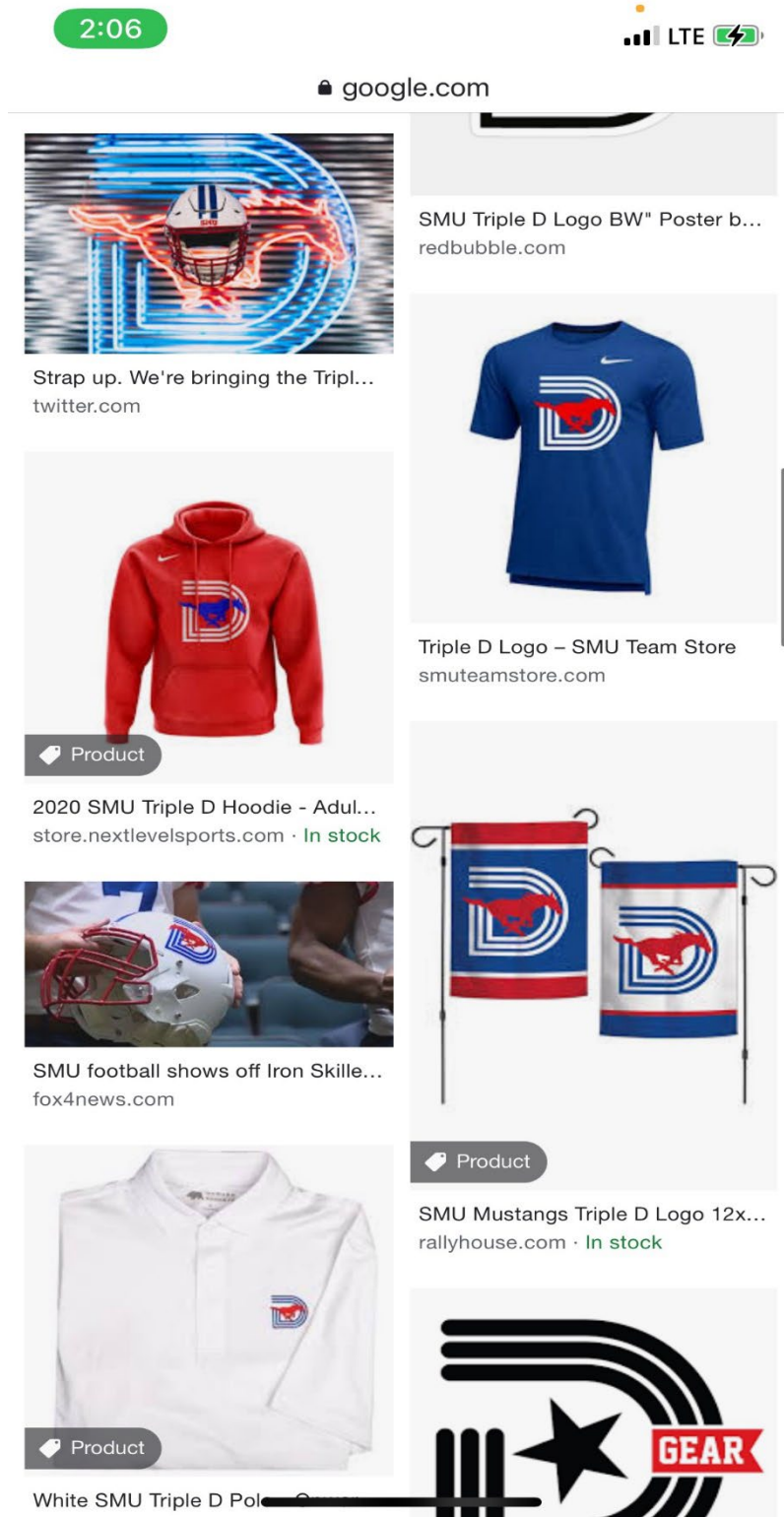
SMU'S INFRINGING ACTS

16. Without TRIPLE D's consent or authorization, and beginning after TRIPLE D acquired protectable, exclusive rights in its Triple D Marks as used on apparel, SMU adopted and began using the Triple D Marks in connection with its advertisement, promotion, and sale of

apparel.



17. SMU actively promotes its apparel with the Triple D Marks as follows:



18. The products on which SMU uses the Triple D Marks are directly competitive with products promoted and sold by TRIPLE D including, but not limited to, apparel.

1 Portion of Product Page of Triple D Gear Website

TRIPLE D GEAR®

SHOPABOUTNEW ARRIVALSD LIFE CART

PRODUCTS

SHOP

HEADWEAR

SNAPBACKS

STRAPBACKS

5 PANEL CAPS

BEANIES

ACCESSORIES

DUFFLE BAGS

BACKPACKS


JEWELRY

TOPS

T-SHIRTS


TANKS

NEW




CITY LIGHT "HOME AND AWAY" BASKETBALL JERSEY

\$ 75



CLASSICS BRED SNAPBACK CAP "SCOOP" IN BLACK AND RED (DECADE EDITION)


\$ 40



DECADE EDITION - "DIA DE LOS MUERTOS" LIMITED CAP

\$ 50

NEW



DECADE EDITION - "GHOST LOGO " GLOW IN THE DARK T-SHIRT

\$ 40

COLLECTIONS

ALL COLLECTIONS

ACCESSORIES


HEADWEAR

PREORDER

SALES

TOPS


YEAR OF THE LIGHT



DECADE EDITIONS 2012-2022 ORIGINAL CLASSIC CHERRY RED CAP


\$ 40

SOLD OUT



GHOST LOGO HOODIE


\$ 60
Sold Out



TRIPLE D OLD ENGLISH NAVY SNAPBACK (DECADE EDITION)

\$ 40

NEW



TRIPLE D UNISEX CHAIN & PENDENT (2.5MM & 3.5MM PENDENTS)

\$ 75

19. Both TRIPLE D and SMU promote and sell their respective products through common trade channels such as stores and websites.

20. SMU's infringing acts as alleged herein have caused and are likely to cause confusion, mistake, and deception among the relevant consuming public as to the source or origin of SMU's goods and services and are likely to deceive the relevant consuming public into mistakenly believing that SMU's goods and services originate from, are associated with, and/or are otherwise authorized by TRIPLE D or connected in some way to TRIPLE D.

2 SMU's Twitter Feed



3 Triple D Gear's Instagram Direct Message Page



COUNT I

INFRINGEMENT OF A REGISTERED TRADEMARK UNDER 15 U.S.C. § 1114

21. TRIPLE D repeats and re-alleges each and every allegation contained in paragraphs 1-20 inclusive, as though fully set forth herein.

22. SMU's unauthorized use in commerce of the TRIPLE D Marks as alleged herein is likely to cause confusion, to cause mistake, or to deceive consumers with regard to TRIPLE D's Marks. SMU's conduct therefore constitutes infringement of TRIPLE D's Marks in violation of 15 U.S.C. § 1114.

23. Specifically, these actions constitute infringement of the various registrations of the Triple D Marks listed in paragraph 21.

24. As a direct and proximate result of the acts described above, TRIPLE D has been damaged, and SMU has been unjustly enriched, in an amount to be determined at the time of trial.

25. Unless enjoined by this Court, SMU's unlawful acts will continue to cause irreparable damage, loss, and injury to TRIPLE D for which it has no adequate remedy at law.

26. Pursuant to 15 U.S.C. §§ 1116-1117, TRIPLE D is entitled to injunctive relief, to actual damages in an amount to be determined at trial, to have such damages trebled, to SMU's profits, to corrective advertising damages, to the costs of this Action, and to its attorneys' fees.

PRAYER FOR RELIEF

Wherefore, TRIPLE D respectfully requests that this Court enter an Order and Judgment against SMU as follows:

- A. For a judgment that SMU has infringed TRIPLE D's trademark rights in violation of the Lanham Act, 15 U.S.C. § 1114;

- B. For a preliminary and permanent injunction enjoining SMU and its agents, officers, directors, employees, and all persons or entities in privity or active concert or participation with them, directly or indirectly, from engaging in the foregoing misconduct;
- C. For an order awarding TRIPLE D, under 15 U.S.C. § 1117, (i) all profits received by SMU from sales and revenues of any kind made as a result of SMU's infringement of TRIPLE D's trademark rights, (ii) all damages sustained by TRIPLE D as a result of SMU's infringement of TRIPLE D's trademark rights, trebled, (iii) the amount necessary for TRIPLE D to conduct corrective advertising to ameliorate the consumer confusion concerning the relationship between TRIPLE D and SMU and (iv) TRIPLE D's costs incurred in this Action;
- D. For an award of pre-judgment interest, post-judgment interest, and costs in this action; and
- E. For an award of such other relief to TRIPLE D as this Court deems just and proper.

JURY DEMAND

TRIPLE D requests a jury trial on all issues so triable.

Dated: October 27, 2023
Dallas, Texas

Respectfully submitted,

/s/ Paul V. Storm

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